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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,231	07/31/2003	Danielle M. Hafling	380-151 III	1725
1009	7590	10/11/2006		
KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507			EXAMINER PIAZZA CORCORAN, GLADYS JOSEFINA	
			ART UNIT	PAPER NUMBER

1744

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,231

Applicant(s)

HAFLING ET AL.

Examiner

Abraham Bahta

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wegelin et al (USP 6375696) in view of Murphy et al (USP 6,712,868).

Wegelin et al teach a vacuum cleaner apparatus comprising a foot/nozzle (102), a housing/canister (104) having a rear wall (13), side walls (132 and (134), bottom wall (136) which forms a front cavity (140) for receiving a dirt cup or container (150). The apparatus comprises a motor-fan assembly, which creates suction at an inlet opening (118). See col. 3, line 60 through col. 4, line 43.

Wegelin et al do not specifically mention that a separate filter receiver provided in the dirt cup receiver; however, it is known in the art of a vacuum cleaner to provide a separate filter in a dirt cup receiver, for example, Murphy et al teach a bagless canister vacuum cleaner comprising a dirt cup received in housing (B) and a filter received/carried by frame (120). See col. 4, lines 22-23 and col. 5, line 65 through col. 6, line 15.

Art Unit: 1744

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a separate filter so that entrained contaminants are separated from the airstream flowing through the dirt cup.

Claim 2: Wegelin et al teach the dirt cup (150) includes a bottom wall (184), a generally flat rear wall (186), a pair of curved side walls (188, 190) and a front wall (186) and a dirt cup lid (182). See col. 4, lines 53-64.

Claim 3: Wegelin et al teach an inlet opening (270) is formed in the rear wall of the dirt cup for providing fluid communication between the first duct and the first dirt collecting chamber. See col. 7, lines 51-54.

Claim 4: Wegelin et al teach prefilter separates the dirt cup chamber into a first dirt collecting chamber and a second dirt collecting chamber. See col. 5, lines 24-40.

Claim 5: Wegelin et al teach the prefilter is a screen. See col. 5, lines 63-67.

Claim 6: Wegelin et al teach the apparatus includes a filter in a filter receiver. See col. 5, lines 24-35.

Claim 7: Wegelin et al teach the filter is pleated. See col. 8, lines 60-67.

Claim 16: Wegelin et al teach the filter receiver is positioned in the housing (104).

Claim 17: Wegelin et al teach the motor-fan assembly creates a suction at an inlet opening (118) which in turn creates a suction in dirt duct (116), agitator chamber (112) and nozzle opening (106). See col. , lines 8-11.

Claim 18: Wegelin et al teach a center of the bottom filter support member aligns with the center of the opening of the top filter support member to vertically support the

Art Unit: 1744

filer member within the second dirt collecting chamber . See col. 9, line 67 through col. 10, line 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Wegelin et al in view of McGill et al (USP 6,615,444).

Wegelin et al discussed above, do not require a hinge connecting one wall of the dirt cup to a side wall; however, McGill et al teach a dirt collection system for a vacuum cleaner comprising a dirt cup having a top lid, bottom wall a generally flat rear wall and a pair of curved side walls wherein the top lid is pivotally connected to the dirt cup. See col. 3, line 29 through col. 4, line 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the dirt cup of Wegelin et al by providing a hinge in order to pivotally connect the bottom wall of the dirt cup to the side wall so that the dirt cup may easily open/close to empty accumulated debris from the dirt cup as taught by McGill et al.

Claim 9: McGill et al teach a thumb tab is provided to connect the top lid to the dirt cup. See col. 3, lines 6367.

Claim 11: Wegelin et al teach the dirt cup receiver is a housing. See col. 4, lines 38-43.

Claim 12: As shown in figure 5 of Wegelin et al, the filter receiver (214) has a series of walls.

Claims 13-15: As shown in figure 15 of Wegelin et al the filter assembly includes notch and guide ribs. See also col. 6, lines 54 through col. line 14.

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abraham Bahta whose telephone number is (571) 272-1532. The examiner can normally be reached on Monday - Friday; 11:30 am - 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Bahta
09/17/06



GLADYS JP CORCORAN
SUPERVISORY PATENT EXAMINER